



General Assembly

Substitute Bill No. 235

February Session, 2014



**AN ACT CONCERNING REVISIONS TO THE TRANSPORTATION
STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 13b-2 of the general statutes is amended by
2 adding subdivision (10) as follows (*Effective October 1, 2014*):

3 (NEW) (10) "Fare inspector" means an employee of (A) the
4 department designated by the commissioner, or (B) a third-party
5 contractor employed by the department, whose duties are to inspect
6 tickets, passes or other documentation required to show compliance by
7 the passenger with the fare payment requirements of state-owned or
8 controlled bus public transportation service when the fare payment is
9 off board or a combination of off board and on board such bus.

10 Sec. 2. Subsection (a) of section 13b-34 of the general statutes is
11 repealed and the following is substituted in lieu thereof (*Effective*
12 *October 1, 2014*):

13 (a) The commissioner shall have power, in order to aid or promote
14 the operation, whether temporary or permanent, of any transportation
15 service operating to, from or in the state, to contract in the name of the
16 state with any person, including but not limited to any common
17 carrier, any transit district formed under chapter 103a or any special
18 act, or any political subdivision or entity, or with the United States or

19 any other state, or any agency, instrumentality, subdivision,
20 department or officer thereof, for purposes of initiating, continuing,
21 developing, providing or improving any such transportation service.
22 Such contracts may include provision for arbitration of disputed
23 issues. The commissioner, in order to aid or promote the operation of
24 any transportation service operating outside the state, may contract in
25 the name of the state with any person, including, but not limited to,
26 any common carrier, or with the United States or any other state, or
27 any agency, instrumentality, subdivision, department or officer
28 thereof, for purposes of providing any transportation service in the
29 event such assistance is required in the case of an emergency or a
30 special event. The state, acting by and through the commissioner, may,
31 by itself or in concert with others, provide all or a portion of any such
32 service, share in the costs of or provide funds for such service, or
33 furnish equipment or facilities for use in such service upon such terms
34 and conditions as the commissioner may deem necessary or advisable,
35 and any such contracts may include, without limitation thereto,
36 arrangements under which the state shall so provide service, share
37 costs, provide funds or furnish equipment or facilities. To these ends,
38 the commissioner may in the name of the state acquire or obtain the
39 use of facilities and equipment employed in providing any such
40 service by gift, purchase, lease or other arrangements and may own
41 and operate any such facilities and equipment and establish, charge
42 and collect such fares and other charges or arrange for such collection
43 for the use or services thereof as he may deem necessary, convenient or
44 desirable. The commissioner or any fare inspector, as defined in
45 section 13b-2, as amended by this act, shall have the authority to issue
46 citations for violations of section 3 of this act. The commissioner may
47 also acquire title in fee simple to, or any lesser estate, interest or right
48 in, any rights-of-way, properties or facilities, including properties used
49 on or before October 1, 1969, for rail or other forms of transportation
50 services. The commissioner may hold such properties for future use by
51 the state and may enter into agreements for interim use of such
52 properties for other purposes. Any person contracting with the state
53 pursuant to this section for the provision of any transportation service

54 shall not be considered an arm or agent of the state. Any damages
55 caused by the operation of such transportation service by such person
56 may be recovered in a civil action brought against such person in the
57 superior court and such person may not assert the defense of sovereign
58 immunity in such action.

59 Sec. 3. (NEW) (*Effective October 1, 2014*) Any person who, with intent
60 to obtain state-owned or controlled bus public transportation service
61 without payment of the lawful charge therefor or to avoid payment of
62 the lawful charge for such service that has been rendered to such
63 person, obtains such service or avoids payment therefor by force,
64 intimidation, stealth, deception or mechanical tampering, or by
65 unjustifiable failure or refusal to pay, shall have committed an
66 infraction.

67 Sec. 4. Subdivision (7) of section 53a-119 of the 2014 supplement to
68 the general statutes is repealed and the following is substituted in lieu
69 thereof (*Effective October 1, 2014*):

70 (7) Theft of services. A person is guilty of theft of services when: (A)
71 With intent to avoid payment for restaurant services rendered, or for
72 services rendered to him as a transient guest at a hotel, motel, inn,
73 tourist cabin, rooming house or comparable establishment, he avoids
74 such payment by unjustifiable failure or refusal to pay, by stealth, or
75 by any misrepresentation of fact which he knows to be false; or (B) (i)
76 except as provided in section 3 of this act, with intent to obtain
77 railroad, subway, bus, air, taxi or any other public transportation
78 service without payment of the lawful charge therefor or to avoid
79 payment of the lawful charge for such transportation service which has
80 been rendered to him, he obtains such service or avoids payment
81 therefor by force, intimidation, stealth, deception or mechanical
82 tampering, or by unjustifiable failure or refusal to pay, or (ii) with
83 intent to obtain the use of equipment, including a motor vehicle,
84 without payment of the lawful charge therefor, or to avoid payment of
85 the lawful charge for such use which has been permitted him, he
86 obtains such use or avoids such payment therefor by means of any

87 false or fraudulent representation, fraudulent concealment, false
88 pretense or personation, trick, artifice or device, including, but not
89 limited to, a false representation as to his name, residence,
90 employment, or driver's license; or (C) obtaining or having control
91 over labor in the employ of another person, or of business, commercial
92 or industrial equipment or facilities of another person, knowing that he
93 is not entitled to the use thereof, and with intent to derive a
94 commercial or other substantial benefit for himself or a third person,
95 he uses or diverts to the use of himself or a third person such labor,
96 equipment or facilities.

97 Sec. 5. Subsection (a) of section 16a-38k of the general statutes is
98 repealed and the following is substituted in lieu thereof (*Effective from*
99 *passage*):

100 (a) Notwithstanding any provision of the general statutes, any (1)
101 new construction of a state facility that is projected to cost five million
102 dollars, or more, and for which all budgeted project bond funds are
103 allocated by the State Bond Commission on or after January 1, 2008, (2)
104 renovation of a state facility that is projected to cost two million dollars
105 or more, of which two million dollars or more is state funding,
106 approved and funded on or after January 1, 2008, (3) new construction
107 of a facility that is projected to cost five million dollars, or more, of
108 which two million dollars or more is state funding, and is authorized
109 by the General Assembly pursuant to chapter 173 on or after January 1,
110 2009, and (4) renovation of a public school facility as defined in
111 subdivision (18) of section 10-282 that is projected to cost two million
112 dollars or more, of which two million dollars or more is state funding,
113 and is authorized by the General Assembly pursuant to chapter 173 on
114 or after January 1, 2009, shall comply with or exceed compliance with
115 the silver building rating of the Leadership in Energy and
116 Environmental Design's rating system for new commercial
117 construction and major renovation projects, as established by the
118 United States Green Building Council, or an equivalent standard,
119 including, but not limited to, a two-globe rating in the Green Globes

120 USA design program until the regulations described in subsection (b)
121 of this section are adopted. The Commissioner of Energy and
122 Environmental Protection, in consultation with the Commissioner of
123 Administrative Services and the Institute for Sustainable Energy, shall
124 exempt any facility from complying with said regulations if the
125 Commissioner of Energy and Environmental Protection finds, in a
126 written analysis, that the cost of such compliance significantly
127 outweighs the benefits. Nothing in this section shall be construed to
128 require the redesign of any new construction of a state facility that is
129 designed in accordance with the silver building rating of the
130 Leadership in Energy and Environmental Design's rating system for
131 new commercial construction and major renovation projects, as
132 established by the United States Green Building Council, or an
133 equivalent standard, including, but not limited to, a two-globe rating
134 in the Green Globes USA design program, provided the design for
135 such facility was initiated or completed prior to the adoption of the
136 regulations described in subsection (b) of this section. For purposes of
137 subdivisions (1) and (2) of this subsection, a state facility shall not
138 include a salt shed, parking garage or any type of maintenance facility,
139 provided such shed, garage or facility has incorporated best energy
140 efficiency standards to the extent economically feasible.

141 Sec. 6. (*Effective from passage*) The Commissioner of Transportation
142 shall conduct an analysis of the corrosive effects of chemical road
143 treatments on (1) state, municipal and private vehicles, (2) state,
144 municipal and private roads, bridges, highways and other
145 infrastructure, and (3) the environment. Such analysis shall determine
146 the cost of corrosion created by chemical road treatments and shall
147 include an evaluation of alternative road treatment techniques and
148 products, including, but not limited to, the addition of rust inhibitors
149 to current chemical road treatments, and a comparison of costs and
150 effectiveness. Not later than October 1, 2014, the commissioner shall
151 submit a report, in accordance with the provisions of section 11-4a of
152 the general statutes, to the joint standing committee of the General
153 Assembly having cognizance of matters relating to transportation.

154 Such report shall include the findings, conclusions and
155 recommendations of such analysis.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	13b-2
Sec. 2	<i>October 1, 2014</i>	13b-34(a)
Sec. 3	<i>October 1, 2014</i>	New section
Sec. 4	<i>October 1, 2014</i>	53a-119(7)
Sec. 5	<i>from passage</i>	16a-38k(a)
Sec. 6	<i>from passage</i>	New section

TRA *Joint Favorable Subst.*